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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

CIVIL ACTION NUMBER H-94-1830

FEB 15 1995

THIRD AMENDED ORDER FOR CONFERENCE

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Michael N. Wilby, Jr.

1. Counsel shall appear for an initial pretrial and scheduling conference before

Judge Sim Lake
on May 19, 1995, at 3:00 p.m.
at United States Courthouse
Court Room 9-B, 9th Floor
515 Rusk Avenue
Houston, Texas 77002

2. After the parties meet as required by Fed. R. Civ. P. Rule 26(f), counsel shall prepare and file not less than 10 days before the conference a joint discovery/case management plan containing the information required on the attached form, pursuant to the Cost and Delay Reduction Plan in the Civil Justice Reform Act of 1990 adopted by the Court on October 24, 1991, and as required by Fed. R. Civ. P. Rule 26(f), as amended December 1, 1993.
3. The court will enter a scheduling order and may rule on any pending motions at the conference.
4. Counsel who file or remove an action must serve a copy of this order with the summons and complaint or with the notice of removal.
5. Attendance by an attorney who has authority to bind the party is required at the conference.
6. Counsel shall discuss with their clients and each other whether alternative dispute resolution is appropriate and at the conference shall advise the Court of the results of their discussions.
7. Counsel will deliver to chambers copies of all instruments filed within 7 days of the conference.
8. All requests for extensions of deadlines for completion of discovery or for postponement of the trial must be signed by the attorney and the party making the request.
9. Failure to comply with this order may result in sanctions, including dismissal of the action and assessment of fees and costs.

By Order of the Court

United States District Court

Southern District of Texas

**Instructions for the Preparation of the
Joint Report of the Meeting & Joint Discovery/Case Management Plan
Under Rule 26(f)
Federal Rules of Civil Procedure**

Please restate the instruction before furnishing the information.

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.
2. List the cases related to this one that are pending in any state or federal court, with the case number and court.
3. Specify the allegation of federal jurisdiction.
4. Name the parties who disagree and the reasons.
5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
6. List anticipated interventions.
7. Describe class-action issues.
8. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.
9. Describe the proposed agreed discovery plan, including:
 - A. Responses to all the matters raised in Rule 26(f).
 - B. When and to whom the plaintiff anticipates it may send interrogatories.
 - C. When and to whom the defendant anticipates it may send interrogatories.
 - D. Of whom and by when the plaintiff anticipates taking oral depositions.

- E. Of whom and by when the defendant anticipates taking oral depositions.
 - F. List expert depositions the plaintiff anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
 - G. List expert depositions the defendant anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
10. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
 11. Specify the discovery beyond initial disclosures that has been undertaken to date.
 12. State the date the planned discovery can reasonably be completed.
 13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.
 14. Describe what each party has done or agreed to do to bring about a prompt resolution.
 15. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable.
 16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
 17. State whether a jury demand has been made and if it was made on time.
 18. Specify the number of hours it will take to present the evidence in this case.
 19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.
 20. List other motions pending.
 21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.
 22. List the names, bar numbers, addresses, and telephone numbers of *all* counsel.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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NOTICE OF EXCLUSION

CIVIL ACTION NO. _____

The following types of cases are not scheduled for initial pretrial conference under Fed. R. Civ. P. 16: (a) prisoner civil rights; (b) state and federal habeas corpus; (c) student and veteran loan; (d) social security appeals; (e) bankruptcy appeals; and (f) forfeiture of seized assets. Local Rule 8. Further, these types of cases are excluded from the accelerated discovery procedures under Fed. R. Civ. P. 26.

This case falls within the excluded category.

By Order of the Court